

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-9 are pending in this application. Claims 1, 8, and 9 were objected to.

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. 2002/0164152 to Kato et al. (herein “Kato”) in view of U.S. 6,088,507 to Yamauchi et al. (herein “Yamauchi”). That objection and rejection are traversed as now discussed.

Addressing first the objection to claims 1, 8, and 9, the claims are herein amended to no longer recite the phrase “can be”. The claim amendments are thereby believed to address the outstanding objection.

Applicants also note the outstanding Advisory Action indicated the previously amended claim language changing the phrase “can be selected” to “are selectable” was still not a positive recitation. That claim language is herein further amended to recite “the selecting means selecting the accompanying data from supplementary streams of data files ...”. Applicants submit that claim language more positively recites that feature.

Addressing now the above-noted prior art rejection of claims 1-9 under 35 U.S.C. § 103(a) as unpatentable over Kato in view of Yamauchi, applicants traverse that rejection as now discussed.

Independent claim 1 is herein amended to clarify a feature therein. Independent claim 1 now specifically recites the obtaining means obtaining:

(i) playback management information including first information having a main playback path indicating a position of an AV stream file recorded on a recording medium and (ii) second information having a plurality of sub playback paths such that one sub playback path indicates positions of a plurality of sub files, including accompanying data to be played back simultaneously with playback of main image data included in the AV stream file;

The other independent claims 8 and 9 are similarly amended. As noted above the claims specifically clarify that “one sub playback path indicates positions of a plurality of sub files”. That subject matter is believed to be clear from the original disclosure, see as a non-limiting example Figures 9 and 10 in the specification. Such a structure in the claimed specification provides a benefit that a user can select from among a plurality of different streams.

Applicants submit that feature distinguishes over the applied art as discussed below.

With respect to the features of the noted “obtaining means” of independent claim 1 the outstanding Office Action specifically cites Kato for example in Figures 7 and 39. Applicants traverse that grounds for the rejection. Applicants specifically draw attention for example to Figure 39 in Kato, in which Kato does not disclose or suggest that one sub playback path can indicate positions of a plurality of sub files.

In contrast to the disclosure cited in Kato, applicants draw attention again for example to Figure 9 of the present specification. As shown for example in Figure 9 in the present specification, one sub playback path can indicate positions of a plurality of sub files. With such a claimed structure a user has the ability to select from among a plurality of different streams. Applicants submit such a feature clearly distinguishes over Kato.

Moreover, applicants submit no disclosures in Yamauchi cure the deficiencies in Kato. In that respect applicants also note Yamauchi is directed to a different type of device than as claimed and the disclosures in Yamauchi do not ever appear relevant to the claimed features or Kato. Yamauchi is specifically not directed to a device that can select accompanying data from supplementary streams different from a main AV stream, and Yamauchi actually appears to teach away from such a structure, and thereby Yamauchi does not appear even properly combinable with Kato.

More specifically, Yamauchi discloses a conventional DVD technology discussed for example in the present specification in paragraphs [0008] and [0009]. As noted in that

portion of the specification, in such a system as in Yamauchi a user can select only from audio streams or sub-picture streams multiplexed into a program stream that is currently being played back. In such a device in Yamauchi, even after another stream having audio streams and subtitles different from a program stream that is currently played back is available, the user cannot switch sound or subtitles to the audio streams or subtitles in the different stream, and thereby extensibility in selecting streams is low. The claimed invention overcomes such drawbacks in a system such as in Yamauchi as in the claimed invention accompanying data including sub files is selected by a user “from streams or data files different from a main AV stream”. Yamauchi appears to teach away from that structure, and thereby the cited teachings in Yamauchi appear to teach away from being combined with Kato with respect to the claims as currently written.

In view of the foregoing comments, applicants submit the claims as currently written are allowable over Kato in view of Yamauchi.

As no other issues are pending in this application, it is respectfully submitted this application is in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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